

SENATE BILL 851

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By: **Senators King, Forehand, Garagiola, Madaleno, Manno, Montgomery, and Raskin**

Introduced and read first time: February 3, 2012

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Maintenance of Effort – Waiver of Penalty**

3 FOR the purpose of waiving the penalty for not meeting the maintenance of effort
4 requirement in a certain year; providing for the application of this Act; and
5 generally relating to the funding of primary and secondary education.

6 Preamble

7 WHEREAS, The process for waiving the maintenance of effort requirement was
8 established in 1996 and no county applied for a waiver under that process until fiscal
9 year 2010; and

10 WHEREAS, When the maintenance of effort waiver process was used for the
11 first time in fiscal year 2010, significant policy issues were identified regarding the
12 appropriate penalty for not meeting the maintenance of effort requirement; and

13 WHEREAS, Legislation addressing the significant policy issues regarding the
14 appropriate penalty has not been enacted; now, therefore,

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That, notwithstanding any other provision of law, the penalty provision
17 under § 5–213(b)(3)(ii) of the Education Article of the Annotated Code of Maryland
18 may not be applied to State aid increase provided in fiscal year 2012 under § 5–202 of
19 the Education Article.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2012.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

